Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-37 are pending in the application, with claims 1, 7, 15, 16, 23, 24, 29 and 30 being the independent claims. Claims 24, 29 and 30 are sought to be amended for clarity.

These changes are believed to introduce no new matter, and their entry is respectfully requested.

It is requested that this response be entered after a final rejection because the amendments are only made for clarification, and do not substantively change the combinations being claimed. Thus, the same issues are presented for reconsideration, not requiring any further search by the Examiner. Also, the minor changes made herein should place the application in better condition for allowance or appeal.

Based on the above amendment and following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Examiner's Response to Arguments:

The Examiner, in response to Applicants' previous arguments, on page 3 of the Office Action states that "The specification and original claims discloses submitting a request for access, but does not disclose receiving a request for access. To submit a request is different from to receive a request. If applicant feels there is disclosure for this limitation please indicate the required citation for confirmation. The amended claims will be treated as pre-amendment." Support for claims 1, 7, 15, 24, 29, and 30 is found,

for example, in the instant application Figure 1, reprinted below with annotations to highlight the support for the DAC receiving a request and for the MAC receiving a request. For claims 1, 24, and 29 , the controller 106 receives the request 118 for access candidate access to the secured data 102. For claims 7, 15, and 30, both controllers 104 and 106 receive requests. The controller 104 receives the request 114 for access to a first security level, and the controller 106 receives the request 118 for access to the second security level.

Fig. 1
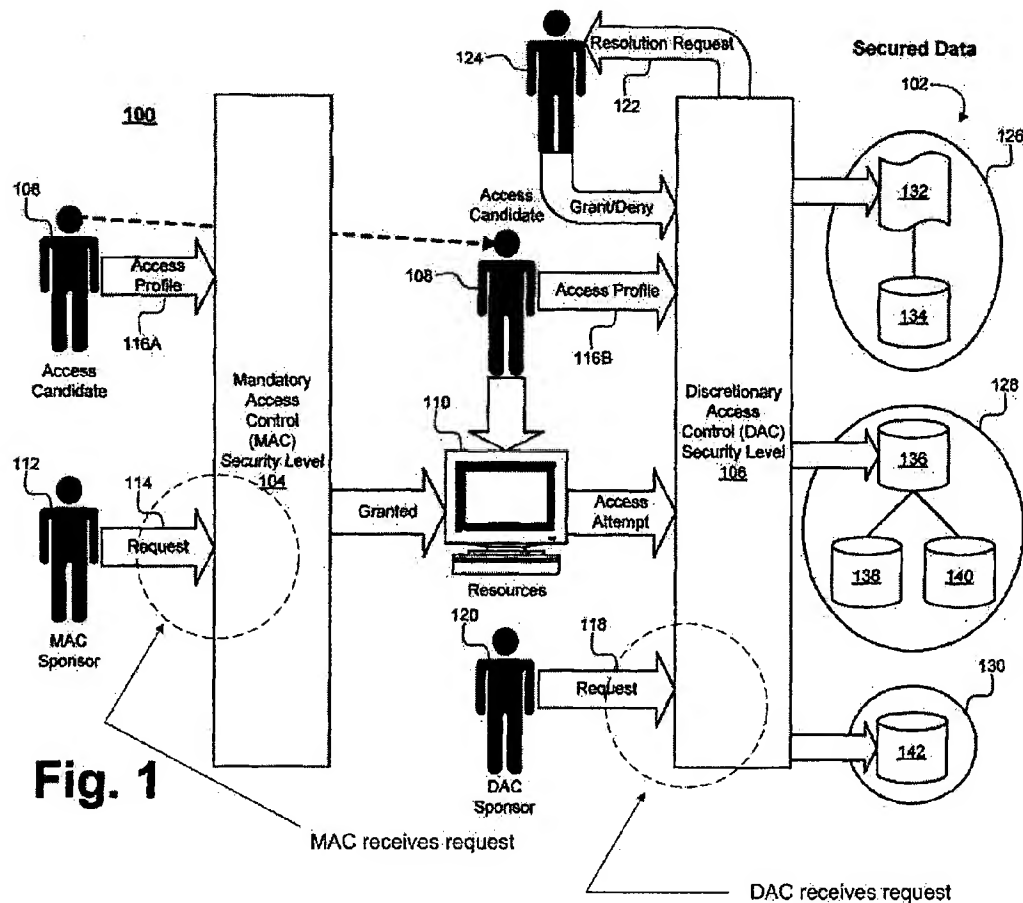
Rejections under 35 U.S.C. § 102

The Examiner rejected claims 1-4, 7-10, 14, 16-19, 24-26, 29-33 and 37 under 35

U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,041,412 to Timson *et*

al. ("Timson"). Applicants respectfully traverse this rejection.

The Examiner contends that Timson teaches each of the elements of independent

claims 1, 7, 24 and 29, Applicants respectfully disagree. Claim 1 recites:

> A method for providing an access candidate access to secured electronic data, the method comprising:
>
> receiving a request for access candidate access to the secured electronic data by a controller associated with the secured electronic data;
>
> comparing, at the controller, one or more attributes of the access candidate with one or more access requirements associated with the secured electronic data;
>
> **submitting, by the controller, a request for authorization to a resolution authority in response to a comparison that indicates that access by the access candidate is prohibited without authorization; and**
>
> granting the access candidate access to the secured electronic data if the resolution authority provides authorization for such access.

Applicants submit that Timson fails to teach all the elements of claim 1 and

similarly worded claims 7, 24 and 29 for at least the following reasons. For example,

using similar language, claims 1, 7, 24 and 29 all require submitting, by the controller, a

request for authorization to a resolution authority in response to a comparison that

indicates that access by the access candidate is prohibited without authorization.

Timson discloses an apparatus and a method for providing access to secured data

or area, that includes at least two secure data modules, an interrogatable module (IM) and

an enable module (EM). Timson describes that first the IM transmits a challenge to the

EM to determine whether the EM is authorized to perform *data operations* to the data

contained on the IM. Then the EM responds to the IM's challenge, informing it whether or not it has permission. *In the case that EM does not have appropriate permissions, no data communication is allowed.* But if the EM has the appropriate permissions, then the EM sends a challenge to the IM to determine if the holder of IM has appropriate authority to conduct the requested *data operations.* After the authority of the holder of the IM is established, the EM transmits a request to the IM to access data. The IM responds to the request by issuing a challenge to the EM to determine whether the permissions stored on the EM allow the EM to access the data. The EM may respond to the challenge by transmitting the permissions *or if the EM does not provide the necessary permissions, the IM prevents the EM to access the requested data* (Timson column 3, line 11 to column 4, line 15, and also column 13, line 22 to column 14, line 40).

In contrast to such setting, which the IM prevents the EM to access the requested data if the EM does not have the necessary permissions, claim 1 recites that in response to a comparison that indicates that access by the access candidate is *prohibited without authorization,* the *controller* submits a *request for authorization* to a *resolution authority,* and if the resolution authority provides authorization for such access, the controlled grants the access candidate access to the secured electronic data. In fact, there is no resolution authority thought by Timson.

Therefore, for at least the above reasons, Timson fails to disclose all features of independent claim 1. Independent claims 7, 24 and 29 are patentable for similar reasons.

In addition, the Examiner rejected claims 2-4, 8-10, 14 and 25-26 as being anticipated by Timson. These dependent claims necessarily include all features of claims

- 19 -
Reply to Office Action of October 4, 2007

Belanger *et al.*
Appl. No. 10/659,368

1, 7 and 24. As discussed above, Timson fails to disclose all features of claims 1, 7, 24 and 29, therefore claims 2-4, 8-10, 14 and 25-26 are not anticipated by the cited reference.

The Examiner rejected claims 16 and 30 as likewise being anticipated by Timson. These independent claims contain similar language to claims 1, 7, 24 and 29 and are patentable for the same reasons discussed above. Dependent claims 17-19, 31-33 and 37 necessarily include all features of claims 16 and 30 respectively. Timson fails to disclose all features of claims 16 and 30, therefore claims 17-19, 31-33 and 37 are not anticipated by Timson.

Rejections under 35 U.S.C. § 103

The Examiner rejected claims 5, 6, 11-13, 15, 20-23, 27-28 and 34-36 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Timson in view of U.S. Patent publication 2004/0049687 of Orsini *et al.* ("Orsini"). Applicants respectfully traverse this rejection.

Independent claims 15 and 23 contain similar language to claims 1, 7, 24 and 29 and are patentable over Timson for the same reasons discussed above. Further, Orsini fails to cure the deficiencies of Timson as noted above. Orsini does not teach what is missing from Timson, for example the resolution authority which is disclosed in claim 15 and 23. Therefore claims 15 and 23 are patentable over Timson and Orsini taken alone or in combination for at least the reasons provided above.

In addition, the Examiner rejected claims 5-6, 11-13, 20-22, 27-28 and 34-36 as allegedly being unpatentable over Timson in view of Orsini. These dependent claims necessarily include all features of claims 1, 7, 16, 24 and 30 respectively. As discussed

above, Timson fails to disclose all features of claims 1, 7, 16, 24 and 30, and further Orsini fails to cure the deficiencies of Timson as noted above. Therefore claims 5-6, 11-13, 20-22, 27-28, and 34-36 are patentable over Timson and Orsini taken alone or in combination for at least the reasons provided above.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

- 21 -

Reply to Office Action of October 4, 2007

Belanger *et al.*
Appl. No. 10/659,368

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Glenn J. Perry
Attorney for Applicants
Registration No. 28,458

Date: **Nov. 18, 2007**

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

748924_1.DOC

Atty. Dkt. No. 2222.3810000